

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

June 23, 2011

In the Matter of A. E. BLACKWELL, Minor.

No. 300799

Berrien Circuit Court

Family Division

LC No. 2009-000106-NA

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Before: TALBOT, P.J., and GLEICHER and M. J. KELLY, JJ.

PER CURIAM.

M. Robinson challenges the order terminating her parental rights. The trial court terminated Robinson's parental rights based on its determination that the conditions leading to the adjudication continued to exist<sup>1</sup> and that Robinson had failed to provide proper care and custody for the minor child.<sup>2</sup> We affirm.

Robinson first contends that the trial court clearly erred in terminating her parental rights because the Department of Human Services ("DHS") failed to make reasonable efforts toward reunification with the child.<sup>3</sup> A claim that a parent was not provided reasonable services directed toward reunification is relevant to the sufficiency of the evidence for termination of parental rights.<sup>4</sup> We review the trial court's termination decision under the clearly erroneous standard.<sup>5</sup>

The DHS provided numerous referrals and assistance to Robinson. DHS arranged for Robinson to participate in parenting classes, substance abuse counseling, and individual counseling. She was referred by DHS to parenting classes three times and to counseling twice. Robinson was precluded from further participation in each program because of her inconsistent attendance and frequent absences. Robinson also repeatedly violated her probation. She was incarcerated eight different times during the year this case was pending. DHS arranged for

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<sup>1</sup> MCL 712A.19b(3)(c)(i).

<sup>2</sup> MCL 712A.19b(3)(g).

<sup>3</sup> *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); MCL 712A.19a(2).

<sup>4</sup> *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005).

<sup>5</sup> MCR 3.977(K); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Robinson to participate in services while in the Kalamazoo Probation Enhancement Program (“KPEP”). But after only a month in KPEP, Robinson left the program without permission and a warrant was issued for her arrest. Because of her multiple incarcerations and additional no-shows, Robinson attended only 22 of the scheduled 52 visitations with the minor child. Because many of her incarcerations were of such short duration, it was impossible to arrange continued services for her while in jail. For a significant part of this case, Robinson’s whereabouts were unknown as she failed to maintain contact with the case worker. During the entire time this case was pending, Robinson continued to abuse her prescription for Adderall, never obtained employment or stable housing, and did not maintain contact with the case worker.

We find that DHS made reasonable efforts to assist Robinson in obtaining reunification with her child and that any failure to attain this goal is directly attributable to Robinson’s lack of commitment and compliance. By the time the termination hearing was conducted, Robinson had not attained any improvement in her position nor demonstrated any quantifiable progress since the onset of the case. Although Robinson was afforded “meaningful and adequate” opportunities by DHS<sup>6</sup>, she did not take advantage of the services proffered and the trial court properly terminated her parental rights to the child.

Robinson also contends that the trial court clearly erred in finding that termination was in the best interests of the child.<sup>7</sup> We review a trial court’s decision regarding the child’s best interests for clear error.<sup>8</sup> Respondent’s drug screens showed that, throughout this case, she continued to abuse Adderall and never made any progress in this area. She attended less than half of the scheduled visitations with her child and despite repeated reminders of department rules to bring only healthy foods to visitation Robinson continued to bring inappropriate and unhealthy snacks. Of additional concern was Robinson’s lack of understanding regarding age-appropriate parenting, as she treated the almost five-year-old child as if she were an infant and carried her everywhere. Her failure to comprehend the health and developmental needs of a child this age demonstrated a dire need for both ongoing parenting classes and counseling and the failure to benefit from the services received.

Robinson has failed to provide any support for her argument that the testimony of the foster care worker and the guardian ad litem was not sufficient to permit the court to make a finding concerning the progress of the child and the child’s best interests. Contrary to her contention the evidence clearly showed that the minor child had formed a strong attachment to her foster family and was doing well in their home. The child had not had visitation with Robinson for four months before the termination hearing and had not asked about or expressed a desire to see her mother. It was clear that any bond that may have existed between Robinson and the child had been severed.

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<sup>6</sup> *Mason*, 486 Mich at 152.

<sup>7</sup> MCL 712A.19b(5).

<sup>8</sup> *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K).

Robinson has also failed to supply this Court with any legal authority for her argument that a child under five years of age should be specifically questioned by the guardian ad litem to ascertain the child's preferences regarding the termination of her mother's parental rights. The evidence concerning the child's lack of interest in seeing or communicating with her mother and her extraordinary progress in the foster home was sufficient to indicate the child's position on this issue. Robinson's argument only serves to demonstrate her lack of understanding of her child's needs. Robinson's conduct over the course of the proceedings during the previous year seriously called into doubt her ability to achieve her courtroom "promise" that when released from jail she would comply with all the services offered and required. As it was clearly demonstrated to be in the best interests of the minor child, the trial court did not err in terminating Robinson's parental rights.

Affirmed.

/s/ Michael J. Talbot  
/s/ Elizabeth L. Gleicher  
/s/ Michael J. Kelly